

## 2011 DRAFTING REQUEST

### Bill

Received: **12/28/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB: **-3761**

For: **Governor 264-6329**

By/Representing: **Becky Kikkert**

May Contact: **Michelle Gauger - DOA**

Drafter: **tdodge**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Becky.Kikkert@wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

### Pre Topic:

No specific pre topic given

### Topic:

Remove family care cap

### Instructions:

See attached.

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 12/28/2011	wjackson 12/28/2011					S&L
/1			mduchek 12/28/2011		ggodwin 12/28/2011		S&L
/2	tdodge 01/02/2012	mduchek 01/03/2012	jfrantze 01/03/2012		lparisi 01/03/2012		S&L
/3	tdodge	mduchek	jfrantze		sbasford	mbarman	

for Assembly

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/05/2012	01/05/2012	01/05/2012 _____		01/05/2012	01/09/2012	

FE Sent For:

&lt;END&gt;

at  
intro  
1-18-12

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **12/28/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **Governor 264-6329**

By/Representing: **Becky Kikkert**

May Contact: **Michelle Gauger - DOA**

Drafter: **tdodge**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Becky.Kikkert@wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Remove family care cap

---

### **Instructions:**

See attached.

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 12/28/2011	wjackson 12/28/2011		_____			S&L
/1			mduchek 12/28/2011	_____	ggodwin 12/28/2011		S&L
/2	tdodge 01/02/2012	mduchek 01/03/2012	jfrantze 01/03/2012	_____	lparisi 01/03/2012		S&L
/3	tdodge	mduchek	jfrantze	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/05/2012	01/05/2012	01/05/2012	_____	01/05/2012		

FE Sent For:

&lt;END&gt;

**2011 DRAFTING REQUEST**

**Bill**

Received: **12/28/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **Governor 264-6329**

By/Representing: **Becky Kikkert**

May Contact: **Michelle Gauger - DOA**

Drafter: **tdodge**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Becky.Kikkert@wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Remove family care cap

**Instructions:**

See attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 12/28/2011	wjackson 12/28/2011					S&L
/1			mduchek 12/28/2011		ggodwin 12/28/2011		S&L
/2	tdodge 01/02/2012	mduchek 01/03/2012	jfrantze 01/03/2012		lparisi 01/03/2012		

13 MD 06 1/5  
11/5/12

FE Sent For:

**<END>**

## 2011 DRAFTING REQUEST

### Bill

Received: 12/28/2011

Received By: **tdodge**

Wanted: As time permits

Companion to LRB:

For: **Governor 264-6329**

By/Representing: **Becky Kikkert**

May Contact: **Michelle Gauger - DOA**

Drafter: **tdodge**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Becky.Kikkert@wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Remove family care cap


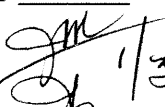
---

### Instructions:

See attached.

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 12/28/2011	wjackson 12/28/2011					S&L
/1		 1/3/12	mduchek 12/28/2011	 1/3	ggodwin 12/28/2011		
FE Sent For:		12	1/3	<END>			

## 2011 DRAFTING REQUEST

### Bill

Received: 12/28/2011

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **Governor 264-6329**

By/Representing: **Becky Kikkert**

May Contact: **Michelle Gauger - DOA**

Drafter: **tdodge**

Subject: **Health - long-term care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Becky.Kikkert@wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Remove family care cap

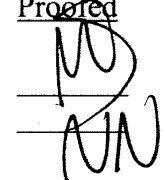
---

### Instructions:

See attached.

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge	1 wly 12/28	JM				

FE Sent For:

12/28  
SEND>

**Dodge, Tamara**

---

**From:** Kikkert, Becky - DOA [Becky.Kikkert@wisconsin.gov]

**Sent:** Wednesday, December 28, 2011 9:12 AM

**To:** Dodge, Tamara

**Subject:** FamilyCare Drafting Instructions

**Attachments:** Family Care Cap Deletion.doc

Tammy,

Thank you for your assistance on drafting this language. If you have any question please let me or Michelle Gauger at the budget office (DOA) know.

---

**Becky Kikkert | Office of Governor Scott Walker**

*Policy Advisor – Health & Human Services*

(o) 608-264-6329 (e) [becky.kikkert@wisconsin.gov](mailto:becky.kikkert@wisconsin.gov)

12/28/2011

## **Statutory Language Drafting Request**

### **Topic**

Delete 2011 Act 32 provision related to Family Care enrollment limits

### **Intent**

Delete the nonstatutory provisions in 2011 Act 32 that limit Family Care expansion to additional areas of the state and that cap enrollment in the long-term care programs, notwithstanding section 46.286(3) of the statutes.

The appropriation provided under section 9121(2g) as Family Care benefit emergency funding may be expended by the department to provide long-term care services under the Family Care program to any eligible individuals, not just those who qualify under the urgent need criteria determined by the department.

The reporting requirement in section 9121(3g) should be retained.

### **Current Language**

#### **SECTION 9121. Nonstatutory provisions; Health Services.**

(1g) LONG-TERM CARE SERVICES CAP.

(a) *Definitions.* In this subsection and subsections (2g) and (3g):

1. "Department" means the department of health services.
2. "Family care partnership program" means an integrated health and long-term care program operated under an amendment to the state medical assistance plan, as authorized in 42 USC 1396n (i).
3. "Family care program" means the benefit program under section 46.286 of the statutes.
4. "Institutional facility" means a nursing home under section 50.01 (3) of the statutes, an intermediate care facility for persons with mental retardation under section 50.14 (1) (b) of the statutes, or a center for the developmentally disabled under section 51.01 (3) of the statutes.
5. "Long-term care program" means any of the following that are available in a county on June 30, 2011, or the effective date of this subdivision, whichever is later:
  - a. The family care program.
  - b. The self-directed services option.
  - c. The family care partnership program.
  - d. The program for all-inclusive care for the elderly under 42 USC 1396u-4.
6. "Resource center" has the meaning given under section 46.2805 (10) of the statutes.
7. "Resource center service area" means the geographical area prescribed for a resource center by the department.
8. "Self-directed services option" means the program operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) that allows participants to self-manage publicly funded long-term care services.

(b) *Enrollment cap.*

1. Notwithstanding section 46.286 (3) of the statutes and subject to subdivision 2. and paragraph (c), the

department may not enroll more individuals in long-term care programs in a resource center service area than the number of individuals enrolled in long-term care programs in that resource center service area on June 30, 2011, or the effective date of this subdivision, whichever is later. This subdivision does not authorize the department to enroll an individual in a long-term care program that is not available in the individual's county of residence.

This subdivision does not apply after June 30, 2013.

2. Individuals enrolled in a long-term care program under paragraph (c) are not counted for the purpose of

determining the number of individuals enrolled in long-term care programs in a resource center service area under subdivision 1.

3. A month during which subdivision 1. is in effect is not counted for purposes of determining the date under section 46.286 (3) (c) of the statutes by which the department must assure that there is sufficient capacity in care management organizations to provide the family care benefit to all entitled individuals in a county.

(c) *Exception to the enrollment cap.* The department may enroll an individual who is relocating from an institutional facility in a long-term care program if any of the following applies:

1. The individual has resided at the institutional facility for at least 90 days.

2. The department removes the individual from the institutional facility under section 50.03 (5m) (a) of the statutes.

3. The institutional facility is closing or relocating residents under section 50.03 (14) of the statutes.

4. The institutional facility is not licensed to operate in this state.

5. The individual is relocated due to an emergency, as determined by the department.

#### (2g) FAMILY CARE BENEFIT EMERGENCY FUNDING.

(a) *2011–13 biennium.* The department may expend \$12,639,000 in fiscal year 2011–12 and \$12,600,800 in fiscal year 2012–13 to provide the long-term care services and support items that are offered under the family care program to individuals who are on a waiting list for a long-term care program and who are in urgent need of long-term care services, as determined by the department. The department may provide services and support items to an individual under this paragraph until the individual is permanently enrolled in a long-term care program.

(b) *2013–15 biennium.* Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information

under section 16.42 of the statutes for purposes of the 2013–15 biennial budget bill, the department shall submit information concerning the appropriation under section 20.435 (4) (b) of the statutes as though the increases in the dollar amounts of that appropriation for the purposes of paragraph (a) had not been made.

#### (3g) LONG-TERM CARE COST-EFFECTIVENESS STUDY.

The secretary of the department shall study the cost-effectiveness of the family care program, the family

care partnership program, the self-directed services option, and the program for all-inclusive care for the

elderly under 42 USC 1396u–4. The study shall compare the cost-effectiveness of each program to each of the other programs; the cost-effectiveness of each program to the benefits provided to medical assistance recipients under section 49.46 (2) (a) and (b) of the statutes; and the cost-effectiveness of the care that individuals receive before they enroll in a long-term care program to the care that the individuals receive in a long-term care program. The department shall submit the findings of its study to the joint committee on finance by March 1, 2012 .

(5) EXPANSION OF FAMILY CARE. Beginning on July 1, 2011, and ending on June 30, 2013, the department of health services may not propose to contract with entities to administer the family care benefit, as described in section 46.286 of the statutes, in a county in which the family care benefit is not available on July 1, 2011, unless the department of health services determines that administering the family care benefit in such a county would be more cost-effective than the county's current mechanism for delivering long-term care services.

### **Proposed Change**

Delete the Family Care enrollment cap provision under 2011 Act 32 section 9121(1g) and the limitation on Family Care expansion under section 9121(5). Provide that the department may expend the funds provided under section 9121(2g) for long-term care services and support items offered under the Family Care program to any individual enrolled in a long-term care program, regardless of whether they meet the urgent need criteria determined by the department. Retain the reporting requirement under section 9121(3g).



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3698?

TJD:Y.....

In: 12/28/11

Due Today if possible

WJ RMANR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen Cat

- 1 AN ACT ...; relating to: removing cap on enrollment of Family Care and other
- 2 long-term care programs.

*Analysis by the Legislative Reference Bureau*

Under current law, Family Care, Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), and the self-directed supports options program known as IRIS (collectively known as long-term care programs) provide community-based, long-term care services to individuals who meet certain functional and financial criteria and who are either a frail elder or an adult with a physical or developmental disability. In a county where a long-term care program is available, the 2011-2013 biennial budget act (2011 Wisconsin Act 32) caps the enrollment in long-term care programs until June 30, 2013, for a certain resource center service area at the number of individuals enrolled in those programs in that service area on June 30, 2011, with exceptions for certain individuals relocating from an institutional facility. This bill removes the cap on enrollment in long-term care programs.

Family Care currently is not available in all counties. The 2011-2013 biennial budget act prohibits the Department of Health Services (DHS) from contracting with entities to administer Family Care in a county that does not administer Family Care as of July 1, 2011, unless DHS determines that administering Family Care in that county would be more cost-effective than the current long-term care service delivery mechanism. This bill eliminates the prohibition on expansion of Family Care.

The 2011-2013 biennial budget act provides moneys for DHS to provide services and support items offered through Family Care to individuals who are on

a waiting list for a long-term care <sup>DHS</sup> program and who are in urgent need of long-term care services, as determined by the department. This bill maintains that funding but eliminates the requirement that the individual receiving Family Care services and support be in urgent need of long-term care services. ✓

Currently, as required by the 2011-2013 biennial budget act, DHS must study various aspects of the cost-effectiveness of the long-term care programs. This bill does not alter that requirement. ✓

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 2011 Wisconsin Act 32, section 9121 (1g) <sup>(+title)</sup> (b) and (c) are repealed.

**SECTION 2.** 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7. are repealed.

**SECTION 3.** 2011 Wisconsin Act 32, section 9121 (1g) (a) (title), (intro.), 1. to 3. ✓ and 5. and 8. are renumbered 2011 Wisconsin Act 32, section 9121 (2g) (ag) (title), (intro.) and 1. to 5., and 2011 Wisconsin Act 32, section 9121 (2g) (ag) (intro.) and 4. (intro.), as renumbered, are amended to read:

[2011 Wisconsin Act 32] Section 9121 (2g) (ag) (intro.) <sup>I</sup> In this subsection and subsections (2g) and subsection (3g):

4. (intro.) <sup>invert</sup> "Long-term care program" means any of the following that are available in a county ~~on June 30, 2011, or the effective date of this subdivision,~~ <sup>Definitions.</sup> ~~whichever is later:~~

**SECTION 4.** 2011 Wisconsin Act 32, section 9121 (2g) (a) is renumbered 2011 Wisconsin Act 32, section 9121 (2g) (ar) and amended to read:

[2011 Wisconsin Act 32] Section 9121 (2g) (ar) *2011-13 biennium.* The department may expend \$12,639,000 in fiscal year 2011-12 and \$12,600,800 in fiscal year 2012-13 to provide the long-term care services and support items that are

1 offered under the family care program to individuals who are on a waiting list for a  
2 long-term care program ~~and who are in urgent need of long-term care services, as~~  
3 ~~determined by the department.~~ The department may provide services and support  
4 items to an individual under this paragraph until the individual is permanently  
5 enrolled in a long-term care program.

6 SECTION 5. 2011 Wisconsin Act 32, section 9121 (5) is repealed. ↓

7 (END)

Insert 3-6

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3698/lins  
TJD:.....

1           INSERT 3-6

2           **SECTION ~~1~~** 2011 Wisconsin Act 32, section 9121 (2g) (b) of the statutes is  
3 amended to read:

4           [2011 Wisconsin Act 32] Section 9121 (2g) (b) *2013-15 biennium*.  
5           Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
6           under section 16.42 of the statutes for purposes of the 2013-15 biennial budget bill,  
7           the department shall submit information concerning the appropriation under  
8           section 20.435 (4) (b) of the statutes as though the increases in the dollar amounts  
9           of that appropriation for the purposes of paragraph (a) (ar)<sup>✓</sup> had not been made.

(END INSERT 3-6)

**Dodge, Tamara**

---

**From:** Kikkert, Becky - DOA [Becky.Kikkert@wisconsin.gov]

**Sent:** Friday, December 30, 2011 10:32 AM

**To:** Moore, Kevin E - DHS

**Cc:** Polzin, Cindy M - GOV; Dodge, Tamara

**Subject:** Re: Final FC Enrollment Cap Draft Language

Tami,

Below are drafting changes per the advise of DHS. Please change the draft accordingly.

Becky Kikkert

Health & Human Services Policy Advisor

Office of Governor Scott Walker

"Moore, Kevin E - DHS" wrote:  
Becky and Cindy,

Here is the recommendations from the Department on the FC cap language repeal. (language in RED) I would also add that there should be some type of an effective date provision added to the bill. I would recommend 60 days to give DHS staff time to vet the cost saving reforms before implementing them.

Let me know if you have any questions.

Thank you.

Kevin Moore  
Executive Assistant  
Department of Health Services  
Office of the Secretary  
1 West Wilson Street, Room 650  
Madison, WI 53702

Phone: 608-266-9622

Fax: 608-266-7882

***Stay up to date on the latest from the Department of Health Services on Twitter.  
Click below to follow us at @DHSWI***



Check the latest career opportunities at the Department of Health Services.

\*\*\*\*\*

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you receive this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

**From:** Gauger, Michelle C - DOA  
**Sent:** Thursday, December 29, 2011 2:41 PM  
**To:** Moore, Kevin E - DHS  
**Subject:** RE: Final FC Enrollment Cap Draft Language

Great.

---

**From:** Moore, Kevin E - DHS  
**Sent:** Thursday, December 29, 2011 2:34 PM  
**To:** Gebhart, Neil R - DHS; Kristan, Margaret A - DHS; Bailey, Kevin D - DHS; Wroblewski, Beth M - DHS; Forsaith, Andrew C - DHS  
**Cc:** Rowe, Sandra M - DHS; Gauger, Michelle C - DOA  
**Subject:** Final FC Enrollment Cap Draft Language

Good Afternoon,

I think that we are close to finalizing the draft language for removing the caps on FC, per yesterday's press conference. This is the draft language (as well as some supporting information) that I would like to forward to the governor's office:

**Section 1. 2011 Wisconsin Act 32, section 9121 (1g) is repealed.**

**Section 2. 2011 Wisconsin Act 32, section 9121 (2g) is repealed.**

**Section 3. 2011 Wisconsin Act 32, section 9121 (5) is repealed.**

**Section 4. Effective date. This Act takes effect on the 60<sup>th</sup> day after publication.**

**The only subsection of section 9121 not repealed is (3g), which directs the Dept to do a long-term care cost-effectiveness study.**

**Repealing (2g), the emergency funding provision, has the effect of taking the current earmark off the \$25+ M referred to in that provision. It does not reduce funding, as (2g) was merely an earmark provision relating to funding contained in appropriations from which expenditures for long-term care services could otherwise be made.**

**If I can get a response from everyone that this is good to go, I will then send this right away.**

Thanks to Neil and all of the members of DLTC for your work on this.

Thank you.

Kevin Moore  
Executive Assistant  
Department of Health Services  
Office of the Secretary  
1 West Wilson Street, Room 650  
Madison, WI 53702

Phone: 608-266-9622  
Fax: 608-266-7882

***Stay up to date on the latest from the Department of Health Services on Twitter.***

**Click below to follow us at @DHSWI**



Check the latest career opportunities at the Department of Health Services.

\*\*\*\*\*

**NOTICE:** This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you receive this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3698/1  
TJD:wltjm

In. 1/2/11 Due Tues 1/2/11  
MSAP

2011 BILL

RMR

4 med

Regen

1 AN ACT ~~to affect~~ 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c), 2011  
2 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7., 2011 Wisconsin Act 32,  
3 section 9121 (1g) (a) (title), (intro.), 1. to 3. and 5. and 8., 2011 Wisconsin Act 32,  
4 section 9121 (2g) (a), 2011 Wisconsin Act 32, section 9121 (2g) (b) and 2011  
5 Wisconsin Act 32, section 9121 (5); **relating to:** removing cap on enrollment of  
6 Family Care and other long-term care programs.

---

***Analysis by the Legislative Reference Bureau***

Under current law, Family Care, Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), and the self-directed services option known as IRIS (collectively known as long-term care programs) provide community-based, long-term care services to individuals who meet certain functional and financial criteria and who are either frail elders or adults with physical or developmental disabilities. In a county where a long-term care program is available, the 2011-2013 biennial budget act (2011 Wisconsin Act 32) caps the enrollment in long-term care programs until June 30, 2013, for a resource center service area at the number of individuals enrolled in those programs in that service area on June 30, 2011, with exceptions for certain individuals relocating from an institutional facility. This bill removes the cap on enrollment in long-term care programs.

Family Care currently is not available in all counties. The 2011-2013 biennial budget act prohibits the Department of Health Services (DHS) from contracting with

## BILL

allocates eliminates that funding allocation

entities to administer Family Care in a county that does not administer Family Care as of July 1, 2011, unless DHS determines that administering Family Care in that county would be more cost-effective than the current long-term care service delivery mechanism. This bill eliminates the prohibition on expansion of Family Care.

The 2011-2013 biennial budget act provides moneys for DHS to provide services and support items offered through Family Care to individuals who are on a waiting list for a long-term care program and who are in urgent need of long-term care services, as determined by DHS. This bill maintains that funding but eliminates the requirement that the individual receiving Family Care services and support be in urgent need of long-term care services.

Currently, as required by the 2011-2013 biennial budget act, DHS must study various aspects of the cost-effectiveness of the long-term care programs. This bill does not alter that requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c) are  
2 repealed.

3 SECTION 2. 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7. are  
4 repealed.

5 SECTION 3. 2011 Wisconsin Act 32, section 9121 (1g) (a) (title) (intro.) 1. to 3.  
6 and 5. and 8. are renumbered 2011 Wisconsin Act 32, section 9121 (2g) (a) (title),  
7 (intro.) and 1. to 5., and 2011 Wisconsin Act 32, section 9121 (2g) (a) (intro.) and 4.  
8 (intro.), as renumbered, are amended to read:

9 [2011 Wisconsin Act 32] Section 9121 (2g) (a) Definitions. (intro.) In this  
10 subsection and subsections (2g) and subsection (3g) strike  
11

12 4. (intro.) "Long-term care program" means any of the following that are  
13 available in a county on June 30, 2011, or the effective date of this subdivision,  
whichever is later:

## BILL

repealed.

1 SECTION 4. 2011 Wisconsin Act 32, section 9121 (2g) (a) is renumbered 2011

2 Wisconsin Act 32, section 9121 (2g) (ar) and amended to read:

3 [2011 Wisconsin Act 32] Section 9121 (2g) (ar) *2011-13 biennium*. The  
4 department may expend \$12,639,000 in fiscal year 2011-12 and \$12,600,800 in fiscal  
5 year 2012-13 to provide the long-term care services and support items that are  
6 offered under the family care program to individuals who are on a waiting list for a  
7 long-term care program and who are in urgent need of long-term care services, as  
8 determined by the department. The department may provide services and support  
9 items to an individual under this paragraph until the individual is permanently  
10 enrolled in a long-term care program.

11 SECTION 5. 2011 Wisconsin Act 32, section 9121 (2g) (b) is amended to read:

12 [2011 Wisconsin Act 32] Section 9121 (2g) (b) *2013-15 biennium*.  
13 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
14 under section 16.42 of the statutes for purposes of the 2013-15 biennial budget bill,  
15 the department shall submit information concerning the appropriation under  
16 section 20.435 (4) (b) of the statutes as though the increases in the dollar amounts  
17 of that appropriation for the purposes of paragraph (a) (ar) had not been made.

18 SECTION 6. 2011 Wisconsin Act 32, section 9121 (5) is repealed.

19 (END)

Insert  
3-18

Insert  
3-19

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3698/2ins  
TJD:.....

1 INSERT 3-18

2 SECTION ~~4~~<sup>1</sup>. 2011 Wisconsin Act 32, section 9121 (3g) is renumbered 2011  
3 Wisconsin Act 32, section 9121 (3g) (bm).

(END INSERT 3-18)

4 INSERT 3-19

5 SECTION ~~7~~<sup>1</sup>. Effective date.

6 (1) This act takes effect on the 60th day after the day of publication.

(END INSERT 3-19)

<sup>(B)</sup>  
Section ~~4~~<sup>1</sup>. 2011 Wisconsin Act 32, section 9121 (3g) (bm) (title)  
<sup>(CS)</sup> is created to read:

[2011 Wisconsin Act 32] Section 9121 (3g) (bm) (title) <sup>(I)</sup><sub>AA</sub> Study.

**Dodge, Tamara**

---

**From:** Kikkert, Becky - DOA [Becky.Kikkert@wisconsin.gov]  
**Sent:** Thursday, January 05, 2012 10:18 AM  
**To:** Dodge, Tamara  
**Subject:** FW: Draft review: LRB 11-3698/2 Topic: Remove family care cap  
**Attachments:** LRB-3698\_2.pdf

I spoke with DHS. They would like to pull back on the effective date language. If you could please remove the 60 day effective date after publication and send me a new draft, that would be wonderful.

Thank you again for all your hard work.

---

**Becky Kikkert | Office of Governor Scott Walker**  
*Policy Advisor – Health & Human Services*  
(o) 608-264-6329 (e) [becky.kikkert@wisconsin.gov](mailto:becky.kikkert@wisconsin.gov)

---

**From:** LRB.Legal [mailto:LRB-LegalServices@legis.wisconsin.gov]  
**Sent:** Tuesday, January 03, 2012 3:52 PM  
**To:** Kikkert, Becky - DOA  
**Subject:** Draft review: LRB 11-3698/2 Topic: Remove family care cap

**State of Wisconsin - Legislative Reference Bureau**  
**One East Main Street - Suite 200 - Madison**

**The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.** If you have any questions concerning the draft or would like to have it redrafted, please contact Tamara J. Dodge, Attorney, at (608) 267-7380, at [tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov), or at One East Main Street, Suite 200.

**If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button.** If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

**Jacket for the**  
**ASSEMBLY**

**Jacket for the**  
**SENATE**

**Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.**

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-

3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**

Lori Parisi  
Program Assistant  
State of WI Legislative Reference Bureau  
1 East Main Suite 200  
Madison, WI., 53703  
Phone(608)266-3561 Fax(608)264-6948



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3698/2 3  
TJD:wlj&med:jf  
RmR

In: 1/5/12 Today

2011 BILL

Reger

1 AN ACT to affect 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c), 2011  
2 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7., 2011 Wisconsin Act 32,  
3 section 9121 (1g) (a) (intro.), 1. to 3. and 5. and 8., 2011 Wisconsin Act 32, section  
4 9121 (2g), 2011 Wisconsin Act 32, section 9121 (3g), 2011 Wisconsin Act 32,  
5 section 9121 (3g) (bm) (title) and 2011 Wisconsin Act 32, section 9121 (5);  
6 **relating to:** removing cap on enrollment of Family Care and other long-term  
7 care programs.

---

***Analysis by the Legislative Reference Bureau***

Under current law, Family Care, Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), and the self-directed services option known as IRIS (collectively known as long-term care programs) provide community-based, long-term care services to individuals who meet certain functional and financial criteria and who are either frail elders or adults with physical or developmental disabilities. In a county where a long-term care program is available, the 2011-2013 biennial budget act (2011 Wisconsin Act 32) caps the enrollment in long-term care programs until June 30, 2013, for a resource center service area at the number of individuals enrolled in those programs in that service area on June 30, 2011, with exceptions for certain individuals relocating from an institutional facility. This bill removes the cap on enrollment in long-term care programs.

**BILL**

Family Care currently is not available in all counties. The 2011-2013 biennial budget act prohibits the Department of Health Services (DHS) from contracting with entities to administer Family Care in a county that does not administer Family Care as of July 1, 2011, unless DHS determines that administering Family Care in that county would be more cost-effective than the current long-term care service delivery mechanism. This bill eliminates the prohibition on expansion of Family Care.

The 2011-2013 biennial budget act allocates moneys for DHS to provide services and support items offered through Family Care to individuals who are on a waiting list for a long-term care program and who are in urgent need of long-term care services, as determined by DHS. This bill eliminates that funding allocation.

Currently, as required by the 2011-2013 biennial budget act, DHS must study various aspects of the cost-effectiveness of the long-term care programs. This bill does not alter that requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c) are  
2 repealed.

3       **SECTION 2.** 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7. are  
4 repealed.

5       **SECTION 3.** 2011 Wisconsin Act 32, section 9121 (1g) (a) (intro.), 1. to 3. and 5.  
6 and 8. are renumbered 2011 Wisconsin Act 32, section 9121 (3g) (am) (intro.) and 1.  
7 to 5., and 2011 Wisconsin Act 32, section 9121 (3g) (am) (intro.) and 4. (intro.), as  
8 renumbered, are amended to read:

9       [2011 Wisconsin Act 32] Section 9121 (3g) (am) *Definitions.* (intro.) In this  
10 subsection ~~and subsections (2g) and (3g):~~

11       4. (intro.) "Long-term care program" means any of the following that are  
12 available in a county ~~on June 30, 2011, or the effective date of this subdivision,~~  
13 ~~whichever is later:~~

14       **SECTION 4.** 2011 Wisconsin Act 32, section 9121 (2g) is repealed.

# BILL

1           **SECTION 5.** 2011 Wisconsin Act 32, section 9121 (3g) is renumbered 2011  
2           Wisconsin Act 32, section 9121 (3g) (bm).

3           **SECTION 6.** 2011 Wisconsin Act 32, section 9121 (3g) (bm) (title) is created to  
4       read:

5 [2011 Wisconsin Act 32] Section 9121 (3g) (bm) (title) *Study*.

6           **SECTION 7.** 2011 Wisconsin Act 32, section 9121 (5) is repealed.

7 **SECTION 8. Effective date.**

8 (1) This act takes effect on the 60th day after the day of publication.

9 (END)

**Barman, Mike**

---

**From:** Kikkert, Becky - DOA [Becky.Kikkert@wisconsin.gov]

**Sent:** Monday, January 09, 2012 10:02 AM

**To:** LRB.Legal

**Subject:** RUSH: Draft Review: LRB 11-3698/3 Topic: Remove family care cap

**RUSH**

**Please Jacket LRB 11-3698/3 for the ASSEMBLY.**

1/9/2012

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Monday, January 09, 2012 10:40 AM  
**To:** Kikkert, Becky - DOA  
**Subject:** FW: RUSH: Draft Review: LRB 11-3698/3 Topic: Remove family care cap  
Assembly jacket is ready for pick-up.

---

**From:** LRB.Legal  
**Sent:** Monday, January 09, 2012 10:36 AM  
**To:** Dodge, Tamara  
**Cc:** Kikkert, Becky - DOA  
**Subject:** FW: RUSH: Draft Review: LRB 11-3698/3 Topic: Remove family care cap

DOA requested this draft be jacketed for both houses. We will go ahead and jacket it for the Assembly. If you have not already done so ... Tammy could you draft a "companion bill" (with a new LRB number) so it can be jacketed for the Senate.

Thanks,

Mike Barman (Lead Program Assistant)  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

---

**From:** Kikkert, Becky - DOA [<mailto:Becky.Kikkert@wisconsin.gov>]  
**Sent:** Monday, January 09, 2012 10:03 AM  
**To:** LRB.Legal  
**Subject:** RUSH: Draft Review: LRB 11-3698/3 Topic: Remove family care cap

RUSH

Please Jacket LRB 11-3698/3 for the SENATE.